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Collection: Roberts, John G.: Files
Folder Title: [JGR/Drug Abuse, Enforcement,
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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

Withdrawer

File Folder

[JGR/DRUG ABUSE, ENFORCEMENT, LEGISLATION & PREVENTION] (6)

KDB 8/30/2005

FOIA

F05-139/01

Box Number

COOK

4KDB

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	REPORT	GRAND JURY REPORT RE INVESTIGATION	32	8/1/1981	B6 B7(C)	629
2	MEMO	J. ROBERTS TO FRED FIELDING RE CORRESPONDENT'S REQUEST FOR INVESTIGATION (PARTIAL)	1	9/21/1983	B6 B7(C) B7(D)	630
3	MEMO	FIELDING TO EDWARD SCHMULTS RE CORRESPONDENT'S REQUEST FOR INVESTIGATION	1	9/21/1983	B6 B7(C) B7(D)	632
4	LETTER	FROM FRED FIELDING (PARTIAL)	1	9/21/1983	B6 B7(C) B7(D)	633

Freedom of Information Act - [5 U.S.C. 552(b)]

- B-1 National security classified information [(b)(1) of the FOIA]
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E.O. 13233

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COPY - Reagan Presidential Record

THE WHITE HOUSE

WASHINGTON

August 29, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Letter to the President regarding
transportation of illegal drugs into
Allegheny County, Pennsylvania (Grand
Jury investigation summary attached)

James B. Lees, Assistant District Attorney from Pittsburgh, has written the President to advise him of the results of a report recently filed by an Allegheny County grand jury. The grand jury was investigating organized crime and drug trafficking. It focused on trafficking at the Pittsburgh airport, and concluded, inter alia, that the federal government was directing no resources to stopping domestic drug transportation (as opposed to importation).

The Justice Department should handle the response on the merits. I have drafted a transmittal memorandum, and an acknowledgment letter to Lees.

Attachments

THE WHITE HOUSE

WASHINGTON

August 29, 1983

MEMORANDUM FOR EDWARD C. SCHMULTS
DEPUTY ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

FROM: FRED F. FIELDING *Orig. signed by FFF (a)*
COUNSEL TO THE PRESIDENT

SUBJECT: Letter to the President regarding
transportation of illegal drugs into
Allegheny County, Pennsylvania (Grand
Jury investigation summary attached)

The attached letter from Assistant District Attorney, James B. Lees, and the accompanying grand jury report, are referred to the Department of Justice for such review and direct reply as may be appropriate. I have advised Lees that his correspondence has been referred to the Justice Department.

Attachments

FFF:JGR:aea 8/29/83

cc: FFFielding
JGRoberts✓
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

August 29, 1983

MEMORANDUM FOR EDWARD C. SCHMULTS
DEPUTY ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Letter to the President regarding
transportation of illegal drugs into
Allegheny County, Pennsylvania (Grand
Jury investigation summary attached)

The attached letter from Assistant District Attorney, James B. Lees, and the accompanying grand jury report, are referred to the Department of Justice for such review and direct reply as may be appropriate. I have advised Lees that his correspondence has been referred to the Justice Department.

Attachments

FFF:JGR:aea 8/29/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

August 29, 1983

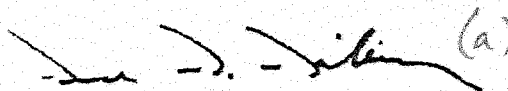
Dear Mr. Lees:

Thank you for your letter of August 4 to the President. Along with that letter, you submitted a copy of a report issued by an Allegheny County grand jury, concerning organized crime and drug trafficking.

Your letter, and the accompanying grand jury report, have been referred to the Department of Justice for review. You should be hearing from that Department in the near future.

As you know, eliminating illegal drug trafficking, and the organized crime that is responsible for so much illegal drug trafficking, is a high priority of this Administration. We have taken several significant steps toward this goal, including bringing the expertise and resources of the Federal Bureau of Investigation into the war on drugs for the first time, establishing organized crime/narcotics trafficking task forces across the country, and creating the President's Commission on Organized Crime to explore fully the dimensions of the challenge we confront. We appreciate being advised of the action of the grand jury in this regard.

Sincerely,



Fred F. Fielding
Counsel to the President

Mr. James B. Lees
Office of the District
Attorney, County of
Allegheny
303 Court House
Pittsburgh, PA 15219

FFF:JGR:aa

bcc: FFFielding/JGRoberts/Subject/Chron

*Sent to
DHH red
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clear*

ID # 164730 CU
H3006-01
John

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: James B. Lees

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Letter to the President re: Transportation of illegal drugs into Allegheny County, Pennsylvania (Grand Jury investigation summary attached)

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>CUK01</u>	ORIGINATOR	<u>8310819</u>		<u> 1 </u> <u> 1 </u>
<u>CUAT 19</u>		<u>8310819</u>	<u>5</u>	<u>83108129</u>
		<u> 1 </u> <u> 1 </u>		<u> 1 </u> <u> 1 </u>
		<u> 1 </u> <u> 1 </u>		<u> 1 </u> <u> 1 </u>
		<u> 1 </u> <u> 1 </u>		<u> 1 </u> <u> 1 </u>

- ACTION CODES:**
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 to be used as Enclosure
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- FOR OUTGOING CORRESPONDENCE:**
 Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE
WASHINGTON

Diana - 26A
has reviewed
+ wanted it
sent along.
Linda
7133

101700

BOB COLVILLE
DISTRICT ATTORNEY



OFFICE OF THE DISTRICT ATTORNEY

County of Allegheny

303 COURT HOUSE—PHONE: 355-4400
PITTSBURGH, PA. 15219

August 4, 1983

President Ronald Reagan
White House
1400 Pennsylvania Avenue
Washington, D.C.

Dear Mr. President:

As an Assistant District Attorney in Pittsburgh, Pennsylvania, I thought your administration may be interested in reviewing a copy of the enclosed Grand Jury Report which was recently issued here in Allegheny County. The Grand Jury, through a separate investigation, had determined that a substantial amount of illegal drugs was being transported into Allegheny County via the Greater Pittsburgh International Airport. (A fact, I am told, which is not unusual in other parts of the country.) The Grand Jury attempted to ascertain whether any efforts were being made here to stop the drug flow and what efforts by law enforcement authorities could legally be undertaken to stop the drug flow.

The result of the Grand Jury investigation is summarized in the enclosed Report. One interesting fact which the Grand Jury discovered in the course of the investigation was the apparent lack of a federal effort to stop the domestic transportation of illegal drugs. The testimony that the Grand Jury received indicated that the federal efforts were being concentrated on areas of importation. Yet federal authorities admit that, at most, ten percent of the illegal drugs coming into the United States are being confiscated, leaving ninety percent to flow into domestic transportation.

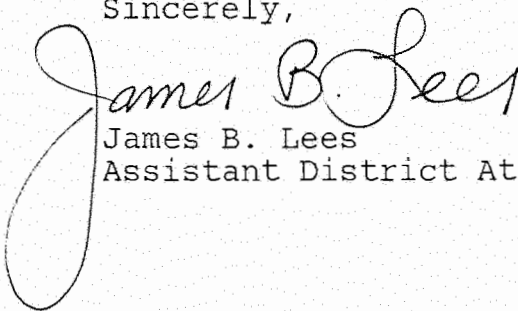


August 4, 1983
President Ronald Reagan
Page Two

I believe the recommendations of the Grand Jury could serve as a model for other cities throughout the United States to tackle the drug problem without substantial federal assistance. However, the task would be easier if the federal government were to more actively participate in efforts such as these.

We here in Allegheny County would appreciate any comments or suggestions your administration may have on this effort.

Sincerely,

A handwritten signature in cursive script that reads "James B. Lees". The signature is written in dark ink and is positioned above the typed name and title.

James B. Lees
Assistant District Attorney

JBL:na

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Ronald Reagan Library

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ROBERTS, JOHN: FILES

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<i>NO Document Description</i>	<i>pages</i>		<i>tions</i>

1	REPORT	32	8/1/1981	B3	629
	GRAND JURY REPORT RE INVESTIGATION				

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E.O. 13233

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THE WHITE HOUSE
WASHINGTON

September 21, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Drug Problems in Simpson County

[REDACTED]
[REDACTED] has written the President to ask for a federal investigation of an alleged dope ring in his county. According to rumors, the dope ring is responsible for several murders. [REDACTED] is allegedly involved, receiving \$15,000 for every plane load of narcotics brought in at the local airport. [REDACTED] letter should be referred to the Justice Department. I have prepared a transmittal letter and a brief reply to [REDACTED] telling him what we have done. b6

Attachments

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3 MEMO	1	9/21/1983	B6	632
FIELDING TO EDWARD SCHMULTS RE CORRESPONDENT'S REQUEST FOR INVESTIGATION			B7(C) B7(D)	

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THE WHITE HOUSE
WASHINGTON

September 21, 1983

Dear  b6

This is in response to your letter of September 7, 1983, to the President. In that letter you expressed serious concern about possible narcotics trafficking in your county.

Please be advised that we have referred your letter to the Department of Justice for appropriate action.

Thank you for sharing your concerns with us.

Sincerely,

Fred F. Fielding
Counsel to the President

 b6
FFF:JGR:aea 9/21/83

bcc: FFFielding/JGRoberts/Subj./Chron

F1004

John

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Robert A. McConnell

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Copy of letter to Thomas P. O'Neill re: legislative proposal to facilitate funding of joint Drug Enforcement Task Forces and to grant state & local enforcement officers, designated by the Attorney General, the authority to enforce the Controlled Substances Act of 1970

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>CWHOLL</u>	ORIGINATOR	<u>DD 8/10/06</u>		<u>1 1</u>
<u>CWAT18</u>	Referral Note: <u>D</u>	<u>8/3/10/06</u>		<u>5/8/10/06</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>

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Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

Honorable Thomas P. O'Neill, Jr.
Speaker
House of Representatives
Washington, D. C. 20515

Dear Mr. Speaker:

Enclosed for your consideration and appropriate reference is a legislative proposal "to facilitate improved Federal, State and local cooperation in drug enforcement."

The first section of the proposed bill would authorize the Attorney General to designate selected state and local law enforcement officers as Federal law enforcement officers for the purpose of enforcing Federal drug laws. This would enable the Drug Enforcement Administration (DEA) to maintain and enhance its cooperative effort with state and local law enforcement authorities to combat drug trafficking.

The drug trafficking problem is pervasive and, by its very nature, interjurisdictional. The Controlled Substances Act, 21 U.S.C. § 873, mandates a coordinated approach at all levels of Government to combat effectively drug flow and abuse. For this reason, DEA has entered into cooperative arrangements with state and local law enforcement authorities, under which non-Federal law enforcement officers work with DEA Agents in long-term task forces, joint investigations and special enforcement operations (major conspiracy investigations directed at specific trafficking organizations). The future of these cooperative efforts, however, would be enhanced if participating state and local law enforcement agencies can be assured of adequate civil and criminal liability protections for their officers while working with DEA.

The great majority of state and local officers have been under the impression that they are protected by an implied grant of Federal enforcement authority while working under DEA supervision. In fact, any state or local law enforcement officer who travels beyond his authorized jurisdiction while assisting DEA faces potentially substantial criminal and civil liability. Analysis of the law reveals the following conclusions.

First, a state or local law enforcement officer is not a Federal employee for purposes of the Federal Tort Claims Act and, therefore, the United States can neither assume liability nor be held liable for his actions. 28 U.S.C. § 1346(b). Moreover, a state or local officer is not a Federal law enforcement officer as defined by 28 U.S.C. § 2680(h) and the United States could not be liable for his intentional torts. Second, when operating beyond the geographic jurisdiction of their parent departments, state and local police officers, in most instances, have no greater law enforcement authority than private citizens. Finally, the possibility for personal civil liability of the state or local officer exceeds that of his DEA counterpart because the United States can only pay a judgment entered jointly against the United States and a Federal employee. Similarly, the potential for criminal liability is greater because the state or local officer could not defend on grounds of Federal law enforcement authority.

The assignment of a police officer to a task force does not vest that officer with any Federal law enforcement authority. Unless deputized as a Federal officer, a task force officer possesses only that authority conferred by state or local law upon any member of his parent organization. Consequently, where the enforcement responsibility of a task force is not coextensive with that of the officer's jurisdiction, the officer may be called upon to exceed his lawful authority when fulfilling his task force responsibilities.

Except for very limited circumstances, any police officer who operates beyond the jurisdiction of his parent agency has no greater authority than that of a private citizen and his authority to carry weapons, make arrests, execute warrants, and to conduct investigations is similarly limited. When operating beyond his jurisdiction, his potential civil and criminal liability are significantly increased, as the various "good faith" defenses available to law enforcement officers often cannot be pleaded successfully by private citizens. Nevertheless, task force investigations often cross jurisdictional lines.

In short, state and local law enforcement officers cooperating with DEA Agents in law enforcement activities outside their parent jurisdictions do so at their own peril. DEA expects that the cooperative arrangements developed over the past several years could be lost in many areas and severely impaired in others unless this disparate liability is corrected.

After a careful review of the liability problem, this Department has concluded that the most feasible solution would be to amend existing law, 21 U.S.C. § 878, to authorize the Attorney General to confer the Federal enforcement powers of DEA officers upon selected state and local law enforcement officers. Implementation of this authority will be strictly controlled through detailed procedures designed to guarantee full accountability

for all actions of any federally designated state or local officer. In addition, the proposal incorporates by reference Section 3374(c) of Title 5, U.S.C., to insure that important restrictions and controls in the Intergovernmental Personnel Act of 1970, as amended, are applicable to such state or local officers. 1/

Section 2 of the proposed bill will facilitate the continued funding of the nine-year DEA task force program. For many years, the Drug Enforcement Administration has entered into contractual agreements with various state and local law enforcement agencies for the establishment of joint task forces to enforce the Controlled Substances Act of 1970. These agreements have been based upon the general authority to enter into cooperative arrangements in 21 U.S.C. § 873 and more specific authorizations contained in DEA appropriations measures. Congress and OMB have consistently sought specific program legislation support appropriation authority. This "housekeeping legislation" is designed to provide such specific legislative authority.

In order to maintain the effectiveness of the DEA/state and local cooperation program, I respectfully urge that this proposal receive prompt consideration.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this legislation to the Congress.

Sincerely,

Robert A. McConnell
Assistant Attorney General

Enclosure

1/ Specifically, the federally designated officers would be deemed DEA employees for purposes of a variety of Federal statutes pertaining to employment limitations, political activities, foreign gifts and decorations, misconduct, bribery and graft, embezzlement and theft, disclosure of confidential information, lobbying with appropriated moneys; purchase, use, maintenance or repair of passenger motor vehicles and aircraft; the Federal Tort Claims Act, and other Federal tort liability statutes. Federally designated officers would also be subject to executive orders and regulations applicable to § 3374(c) matters. Moreover, the statute indicates that supervision of the duties of such officers could be governed by agreement between DEA and the state or local government concerned. Finally, a detail of a state or local officer to DEA could be made with or without reimbursement by DEA.

A BILL

To facilitate improved Federal, state and local cooperation in drug enforcement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 508 of the Controlled Substances Act (21 U.S.C. 878) is amended to read as follows:

"§ 878. Powers of enforcement personnel

(a) Any officer or employee of the Drug Enforcement Administration or any state or local law enforcement officer designated by the Attorney General may --

(1) carry firearms;

(2) execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of the United States;

(3) make arrests without warrant (A) for any offense against the United States committed in his presence, or (B) for any felony, cognizable under the laws of the United States, if he has probable cause to believe that the person to be arrested has committed or is committing a felony;

(4) make seizures of property pursuant to the provisions of this subchapter; and

(5) perform such other law enforcement duties as the Attorney General may designate.

(b) State and local law enforcement officers performing functions under this section shall be deemed Federal employees

only for the purposes set forth in section 3374(c) of Title 5, United States Code."

Sec. 2.

Section 503(a) of the Controlled Substances Act (21 U.S.C. 873(a)) is amended by adding the following new paragraph (6):

"(6) notwithstanding any other provision of law, enter into contractual agreements with state and local law enforcement agencies to provide for cooperative enforcement and regulatory activities under this Title."